

**Notice of Allowability**

Application No.

09/740,151

Examiner

Van Kim T. Nguyen

Applicant(s)

DESAI, VIKRANT H.

Art Unit

2661

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 17 June 2004.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 091404.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

  
KENNETH VANDERPUYE  
PRIMARY EXAMINER

### **DETAILED ACTION**

This Office Action is responsive to communications filed on June 17, 2004.

#### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because only informal drawings have been submitted.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ansel M. Schwartz, on September 15, 2004.

The application has been amended as follows:

#### ***For claim 1:***

Insert a comma (",") after "switchover event occurs" on line 8;

and change "both able to switch data through the switch." on line 10 to "--- both switching data through the switch at the same time.".

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*Similarly, for claim 11:*

Insert a comma (",") after "switchover event occurs" on line 7;  
change "if the cells" one line 8 to "---of the cells";  
and change "both able to switch the cells through the switch." on line 9 to "--- both  
switching the cells through the switch at the same time."

Thus, claims 1 and 11 are read as follows:

***Claim 1:***

An apparatus for transferring data on a network comprising:  
a switch comprising a primary component for switching the data through the switch;  
a secondary component for switching the data through the switch if the primary  
component fails; and  
a mechanism for counting the data that has been received, transmitted or dropped by the  
primary component and the secondary component of the switch after a switchover event occurs,  
without including any redundancy in the counting of the data due to the primary component and  
secondary component both **switching** data through the switch **at the same time**.

***Claim 11:***

A method for transferring ATM cells on a network comprising the steps of:

switching the ATM cells with an ATM switch of the ATM network having a primary  
component for switching the cells and a secondary component for switching the cells if the  
primary component fails; and

counting the cells that have been received, transmitted or dropped by the primary  
component and the secondary component of the switch after a switchover event occurs, without

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including any redundancy of the counting of the cells due to the primary component and secondary component both switching the cells through the switch **at the same time**.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye, can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KENNETH VANDERPUYE  
PRIMARY EXAMINER